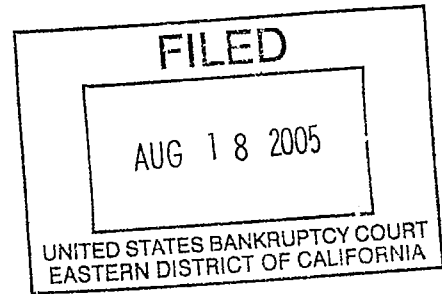


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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re)	Case No. 05-25817-C-7
)	
HENRY HENLEY and)	DC No. DKC-01
SANDRA J. HENLEY,)	
)	
Debtors.)	

**FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION TO AVOID LIEN**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(K).

Findings of Fact

On July 18, 2005, debtors filed a motion, notice, and certificate of service requesting that this court avoid a judgment lien in favor of Ford Motor Credit Company. A hearing was scheduled for August 16, 2005 to consider the motion. Upon review of the record, the court determined that the written record was adequate and that no oral argument was necessary.

In reviewing debtors' proof of service, the court notes

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1 that debtors served Ford Motor Credit Company at two p.o.
2 box addresses.

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4 Conclusions of Law

5 Federal Rule of Bankruptcy Procedure 9014(b) requires
6 that a motion initiating a contested matter "shall be served
7 in the manner provided for service of a summons and
8 complaint by Rule 7004." Fed. R. Bankr. P. 9014(b).

9 Federal Rule of Bankruptcy Procedure 7004(b)(3)
10 provides in pertinent part:

11 Except as provided in subdivision(h), in
12 addition-to the methods of service
13 authorized by Rule 4(e)-(j) F.R.Civ.P.,
14 service may be made within the United
15 States by first class postage prepaid as
16 follows... Upon a domestic or foreign
17 corporation or upon a partnership or
18 other unincorporated association, by
19 mailing a copy of the summons and
20 complaint to the attention of an
21 officer, a managing or general agent, or
22 to any other agent authorized by
23 appointment or by law to receive service
24 of process and, if the agent is one
25 authorized by statute to receive service
26 and the statute so requires, by also
27 mailing a copy of the defendant.

28 Fed. R. Bank. P. 7004(b)(3).

21 Here, debtors' service of motion does not comply with
22 the requirement to serve the motion to the attention of an
23 officer or other agent authorized as provided in Rule
24 7004(b)(3). Beneficial California, Inc. v. Villar (In re
25 Villar), 317 B.R. 88, 93 (9th Cir. BAP 2004). The court
26 notes that a corporation's agent for service of process may
27 be identified by visiting the California Secretary of
28 State's website at www.ss.ca.gov. The website contains a

1 link to the "California Business Portal" which provides an
2 online service titled "California Business Search."
3 Therein, corporate information, including the agent for
4 service of process, may be obtained by entering the
5 corporation's name in the search engine.

6 Accordingly, the motion is denied.

7 An appropriate order will issue.

8 Dated: August 18, 2005



10 UNITED STATES BANKRUPTCY JUDGE
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CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

Henry Henley, Jr.
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Sandra J. Henley
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Ford Motor Credit
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Omaha, NE 68154

Ford Motor Credit
P.O. Box 13807
Sacramento, CA 95853

Office of the United States Trustee
United States Courthouse
501 "I" Street, Suite 7-500
Sacramento, CA 95814

Dated: 8/22/05


Deputy Clerk